

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 631

Introduced by Assembly Member Leno

February 17, 2005

An act to add Section 11839.65 to the Health and Safety Code, relating to narcotic treatment programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 631, as amended, Leno. Narcotic treatment programs: mobile service units.

Existing law requires the State Department of Alcohol and Drug Programs to license narcotic treatment programs to use replacement narcotic therapy in the treatment of drug addicted persons and prohibits a program from operating without a license. Existing law requires the department to, among other things, establish and enforce narcotic treatment program operation guidelines, inspect programs to ensure that they are operating in accordance with the law and adopted regulations, and charge and collect an annual license fee. Existing law authorizes licensed narcotic treatment programs to use methadone in replacement narcotic therapy.

This bill would require the department to establish a program for the operation and regulation of mobile narcotic treatment programs. The bill would require a mobile narcotic treatment program to hold a primary narcotic treatment program license or be affiliated and associated with a primary licensed narcotic treatment program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11839.65 is added to the Health and Safety Code, to read:

11839.65. (a) The department shall establish a program for the operation and regulation of mobile narcotic treatment programs. ~~In establishing that program, the department may adopt or adapt applicable requirements of the Mobile Health Care Services Act (Chapter 9 (commencing with Section 1765.101) of Division 2).~~ *programs.* A mobile narcotic treatment program established pursuant to this section shall meet either of the following conditions:

(1) Hold a primary narcotic treatment program license.

(2) Be affiliated and associated with a primary licensed narcotic treatment program. A mobile narcotic treatment program meeting the requirement of this paragraph shall not be required to have a license separate from the primary licensed narcotic treatment program with which it is affiliated and associated.

(b) For purposes of this section, “mobile narcotic treatment program” means a program in which interested and knowledgeable physicians and surgeons provide addiction treatment services in a commercial modular, as defined in Section 18012.5 or 18001.8, and in which community pharmacies supply necessary medication both to these physicians and surgeons *knowledgeable physicians and surgeons, counselors, and authorized licensed professionals provide addiction treatment services, and that may obtain medication directly through the manufacturer or through the affiliated licensed narcotic treatment program* for distribution to patients and through direct administration and specified dispensing services.

(c) Notwithstanding any other provision of law or regulation, including Section 10020 of Title 9 of the California Code of Regulations, a mobile narcotic treatment program that is affiliated and associated with a licensed narcotic treatment program may be approved by the department, if all of the following conditions are met:

(1) ~~A physician and surgeon~~ *Authorized staff* may provide mobile office addiction services only if each mobile office patient is registered as a patient in the licensed narcotic treatment

1 program and both the licensed narcotic treatment program and
2 the mobile narcotic treatment program ensure that all services
3 required under Chapter 4 (commencing with Section 10000) of
4 Division 4 of Title 9 of the California Code of Regulations for
5 the management of narcotic addiction are provided to all patients
6 treated in the remote site.

7 ~~(2) A physician and surgeon in a mobile narcotic treatment~~
8 ~~program may provide treatment for a maximum of 20 patients~~
9 ~~under the appropriate United States Drug Enforcement~~
10 ~~Administration registration.~~

11 (2) The primary licensed narcotic treatment program shall be
12 limited to its total licensed capacity as established by the
13 department, including the patients of physicians in the mobile
14 narcotic treatment program.

15 ~~(3) The physicians and surgeons~~ *Authorized staff* in the mobile
16 narcotic treatment program shall dispense or administer
17 pharmacologic treatment for narcotic addiction that has been
18 approved by the federal Food and Drug Administration ~~such as~~
19 ~~levorphanol, buprenorphine, or methadone.~~

20 (4) Mobile narcotic treatment programs, in conjunction with
21 primary licensed narcotic treatment programs, shall develop
22 protocols to prevent the diversion of ~~methadone~~ *medication*. The
23 department may adopt regulations to prevent the diversion of
24 ~~methadone~~ *medication*.

25 (d) In considering a mobile narcotic treatment program
26 application, the department shall independently weigh the
27 treatment needs and concerns of the county, city, or areas to be
28 served by the program.

29 (e) Nothing in this section is intended to expand the scope of
30 the practice of pharmacy.

31 *(f) Mobile narcotic treatment programs shall be located at*
32 *predetermined sites that shall be approved by the department. All*
33 *support services provided to the mobile narcotic treatment*
34 *programs at the approved sites shall be approved by the*
35 *department.*